

Dr. Dan G. George asks the Utah Labor Commission to reconsider its dismissal of his motion for review in the matter of M. C.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this matter pursuant to Utah Code Ann. §63-46b-13.

ISSUE PRESENTED

_____ Does Dr. George have standing to obtain review of Mr. C.'s claim?

DISCUSSION

In its prior decision, the Commission concluded that Dr. George did not have standing to obtain agency review of the ALJ's decision regarding Mr. C.'s claim for workers' compensation benefits. Dr. George now requests reconsideration on the grounds that the Labor Commission Act indicates that a "party in interest" may appeal an ALJ's decision.

The provisions of the Utah Workers' Compensation Act and the Utah Administrative Procedures Act make it clear that the right of agency review is restricted to parties. As noted in the Commission's prior decision, Dr. George is not a "party" to this proceeding. Consequently, the Commission concludes its prior decision correctly held that Dr. George lacks standing to obtain agency review of the ALJ's decision.

ORDER

The Commission reaffirms its prior decision and denies Dr. C.'s request for reconsideration. It is so ordered.

Dated this 28TH day of March, 2002.

R. Lee Ellertson, Commissioner